



SunLine Services Group
July 24, 2019
12:00 p.m.

AGENDA

**Regular Board of Directors Meeting
Board Room
32-505 Harry Oliver Trail
Thousand Palms, CA 92276**

In compliance with the Brown Act and Government Code Section 54957.5, agenda materials distributed 72 hours prior to the meeting, which are public records relating to open session agenda items, will be available for inspection by members of the public prior to the meeting at SunLine Transit Agency's Administration Building, 32505 Harry Oliver Trail, Thousand Palms, CA 92276 and on the Agency's website, www.sunline.org.

In compliance with the Americans with Disabilities Act, Government Code Section 54954.2, and the Federal Transit Administration Title VI, please contact the Clerk of the Board at (760) 343-3456 if special assistance is needed to participate in a Board meeting, including accessibility and translation services.

Notification of at least 48 hours prior to the meeting time will assist staff in assuring reasonable arrangements can be made to provide assistance at the meeting.

ITEM

RECOMMENDATION

- | | |
|---|-----------------------|
| 1. CALL TO ORDER | |
| 2. FLAG SALUTE | |
| 3. ROLL CALL | |
| 4. PRESENTATIONS | |
| 5. FINALIZATION OF AGENDA | |
| 6. APPROVAL OF MINUTES –
JUNE 26, 2019 BOARD MEETING | APPROVE
(PAGE 3-5) |
| 7. PUBLIC COMMENTS | RECEIVE COMMENTS |

NON AGENDA ITEMS

Members of the public may address the Board regarding any item within the subject matter jurisdiction of the Board; however, no action may be taken on off-agenda items unless authorized. Comments shall be limited to matters not listed on the agenda. Members of the public may comment on any matter listed on the agenda at the time that the Board considers that matter. Each person's presentation is limited to a maximum of three (3) minutes.

ITEM

RECOMMENDATION

8. BOARD MEMBER COMMENTS

RECEIVE COMMENTS

9. CONSENT CALENDAR

RECEIVE & FILE

All items on the Consent Calendar will be approved by one motion, and there will be no discussion of individual items unless a Board Member requests a specific item be pulled from the calendar for separate discussion. The public may comment on any item.

9a) Checks \$1,000 and Over Report for May 2019

(PAGE 6-7)

9b) Monthly Budget Variance Report for May 2019

(PAGE 8-10)

9c) Taxi Trip Data for June 2019

(PAGE 11-12)

9d) Metric (Taxi Expense vs Taxi Revenue) May 2019

(PAGE 13-14)

**10. RECREATIONAL USE OF MARIJUANA IN CALIFORNIA -
MANDATORY DRUG TESTING**

**INFORMATION
(PAGE 15)**

(Chair of Taxi Committee;
Staff: Michal Brock, Taxi Administrator & Eric Vail,
General Counsel)

11. TAXICAB BASE COLOR

**INFORMATION
(PAGE 16-17)**

(Chair of Taxi Committee;
Staff: Michal Brock, Taxi Administrator & Eric Vail,
General Counsel)

**12. SECOND READING OF SUNLINE SERVICES GROUP
ORDINANCE NO. 2019-01**

**APPROVE
(PAGE 18-50)**

(Chair of Taxi Committee;
Staff: Michal Brock, Taxi Administrator & Eric Vail,
General Counsel)

13. GENERAL COUNSEL

14. NEXT MEETING DATE

September 25, 2019
12 p.m. – Board Room
32-505 Harry Oliver Trail
Thousand Palms, CA 92276

15. ADJOURN

MINUTES

SunLine Services Group Board of Directors Meeting June 26, 2019

A regular meeting of the SunLine Services Group Board of Directors was held at 12:06 p.m. on Wednesday, June 26, 2019 in the Board Room at SunLine Transit Agency, 32-505 Harry Oliver Trail, Thousand Palms, CA 92276.

1. CALL TO ORDER

The meeting was called to order at 12:06 p.m. by Chairperson Kathleen Kelly.

2. FLAG SALUTE

Supervisor Perez led the pledge of allegiance.

3. ROLL CALL

Members Present:

Kathleen Kelly, Chair, SunLine Agency Board Member, City of Palm Desert
Robert Radi, Vice-Chair, SunLine Agency Board Member, City of La Quinta
Raymond Gregory, SunLine Agency Board Member, City of Cathedral City
Russell Betts, SunLine Agency Board Member, City of Desert Hot Springs
Lupe Ramos Amith, SunLine Agency Board Member, City of Indio
Lisa Middleton, SunLine Agency Board Member, City of Palm Springs
V. Manuel Perez, SunLine Agency Board Member, County of Riverside
G. Dana Hobart, SunLine Agency Board Member, City of Rancho Mirage

Members Absent:

Ty Peabody, SunLine Agency Board Member, City of Indian Wells
Megan Beaman Jacinto, SunLine Agency Board Member, City of Coachella

4. PRESENTATIONS

None.

5. FINALIZATION OF AGENDA

No changes to the agenda.

6. APPROVAL OF MINUTES – MAY 22, 2019 BOARD MEETING

SunLine Services Group Vice-Chair Radi moved to approve the minutes of the May 22, 2019 Board meeting. The motion was seconded by SunLine Services Group Board Member Perez. The motion was approved by a vote of 7 yes; 0 no; 1 abstain.

7. PUBLIC COMMENTS

Public Comments were made by:

Bill Meyers

8. BOARD MEMBER COMMENTS

None.

9. CONSENT CALENDAR

- 9a) Checks \$1,000 and Over Report for April 2019
- 9b) Monthly Budget Variance Report for April 2019
- 9c) Taxi Trip Data for May 2019
- 9d) Metric (Taxi Expense vs Taxi Revenue) April 2019

SunLine Services Group Board Member Gregory moved to approve the consent calendar. The motion was seconded by SunLine Services Group Vice-Chair Radi. The consent calendar was approved by a unanimous vote of 8 yes; 0 no; 0 abstain.

10. FIRST READING OF SUNLINE SERVICES GROUP ORDINANCE NO. 2019-01

Taxi Committee Chair Kelly reported that this item was brought to the Committee and they gave direction to staff to review and research SRA's authority. SunLine Services Group Board Member Middleton moved to approve the First Reading of the SunLine Services Group Ordinance No. 2019-01. The motion was seconded by SunLine Services Group Vice-Chair Radi. The motion was approved by a vote of 6 yes; 2 no; 0 abstain .

11. TAXICAB REGULATIONS OF THE SUNLINE REGULATORY ADMINISTRATION

Taxi Committee Chair Kelly reported that this item was brought to the Committee and they recommend the Board approve this item. SunLine Services Group Board Member Gregory moved to approve the Taxicab Regulations of the SunLine Regulatory Administration. The motion was seconded by SunLine Services Group Vice-Chair Radi. The motion was approved by a unanimous vote of 8 yes; 0 no; 0 abstain.

12. RESOLUTION NO. 087 SETTING FEES

Taxi Committee Chair Kelly reported that this item was brought to the Committee and they recommend the Board approve this item. SunLine Services Group Vice-Chair Radi moved to approve Resolution No.087 Setting Fees. The motion was seconded by SunLine Services Group Board Member Middleton. The motion was approved by a unanimous vote of 8 yes; 0 no; 0 abstain

13. SUNLINE REGULATORY ADMINISTRATION DRAFT FY 20 BUDGET

Taxi Committee Chair Kelly reported that this item was brought to the Committee and they recommend the Board approve this item. SunLine Services Group Board Member Gregory moved to approve the SunLine Regulatory Administration Draft FY 20 Budget. The motion was seconded by SunLine Services Group Board Vice-Chair Radi. The motion was approved by a unanimous vote of 8 yes; 0 no; 0 abstain.

14. GENERAL COUNSEL

General counsel had no updates to report.

15. NEXT MEETING DATE

July 24, 2019
12 p.m. – Board Room
32-505 Harry Oliver Trail
Thousand Palms, CA 92276

16. ADJOURN

The SunLine Services Group meeting was adjourned at 12:40 p.m.

Respectfully Submitted,

Spencer Winkle
Assistant Clerk of the Board

SunLine Services Group**CONSENT CALENDAR**

DATE: July 24, 2019

RECEIVE & FILETO: Taxi Committee
Board of Directors

RE: SSG/SRA Checks \$1,000 and Over Report for May 2019

Summary:

The checks \$1,000 and over report lists all of the checks processed at the Agency with a value of over \$1,000 for a given month. Items identified in bold font represent "pass through" payments that were, or will be, reimbursed to SunLine under the provisions of specific grants or contracts. Items identified with underlines represent "shared" payments with SunLine and specific vendors/employees.

- For the month of May, the largest payment issued represents reimbursements made to SunLine Transit Agency (STA) for SunLine Regulatory Administration (SRA) payments made to STA for allocations of overhead costs for SRA operations. Additionally, it includes employees paid through the regular payroll process.

Recommendation:

Receive and file.

**SunLine Regulatory Administration
Checks \$1,000 and Over
For the month of May 2019**

NOTE: 1). Bold check payments represent "pass through" payments that were, or will be reimbursed to SunLine under the provisions of specific grants or contracts. 2). Underlined check payments represent "shared" payments with SunLine and specific vendors/employees.

Vendor Filed As Name	Description	Check #	Payment Date	Payment Amount
SUNLINE TRANSIT AGENCY	Operating Expense Allocation - Feb-Apr 2019	90635	05/24/2019	8,944.05
SUNLINE TRANSIT AGENCY	Payroll Liabilities 5/3/19	90626	05/10/2019	7,457.24
SUNLINE TRANSIT AGENCY	Payroll Liabilities 5/17/19	90634	05/24/2019	4,553.49
BURKE, WILLIAMS & SORENSEN, LLP	Apr 2019 Legal Services	90625	05/10/2019	3,792.00
Total Checks Over \$1,000	\$24,746.78			
Total Checks Under \$1,000	\$597.50			
Total Checks	\$25,344.28			

SunLine Services Group**CONSENT CALENDAR**

DATE: July 24, 2019

RECEIVE & FILETO: Taxi Committee
Board of Directors

RE: Monthly Budget Variance Report for May 2019

Summary:

The budget variance report compares revenues and expenses to the respective line item budgets. The report identifies current monthly revenues and expenses as well as year to date (YTD) values. The current monthly budget values are calculated by taking 1/12th of the annual budget and the YTD budget values are calculated by dividing the yearly budget by the number of months progressed through the fiscal year.

- As of May 31, 2019, the organization's revenues are \$15,415 over budget or 9.0% above the YTD budget. Expenditures are \$40,879 under budget or 14.2% below the YTD budget.
- The net YTD operating gain (loss) after expenses is (\$61,104).

Recommendation:

Receive and file.

SunLine Regulatory Administration
Budget Variance Report
May 2019

Description	FY 19 Total Budget	Current Month			Year to Date			
		Actual	Budget	Favorable (Unfavorable)	YTD Actual	FY 19 YTD Budget	Favorable (Unfavorable)	Percentage Remaining
Revenues:								
Meter Readings	46,347	0	3,862	(3,862)	46,512	42,485	4,027	-0.4%
Taxi Business Permit	58,327	16,530	4,861	11,669	63,202	53,466	9,735	-8.4%
Revenue Fines	3,000	0	250	(250)	788	2,750	(1,963)	73.8%
New Driver Permit Revenue	9,000	45	750	(705)	3,015	8,250	(5,235)	66.5%
Driver Transfer Revenue	1,000	0	83	(83)	1,000	917	83	0.0%
Driver Renewal Revenue	10,000	75	833	(758)	3,200	9,167	(5,967)	68.0%
Driver Permit Reinstatement/Replacement	25	0	2	(2)	10	23	(13)	60.0%
Vehicle Permit Revenue	58,242	2,745	4,854	(2,109)	68,135	53,389	14,747	-17.0%
Total Revenue	185,941	19,395	15,495	3,900	185,861	170,446	15,415	0.0%
Expenses:								
Salaries and Wages	112,555	7,106	9,380	2,274	100,767	103,175	2,409	10.5%
Fringe Benefits	70,138	4,905	5,845	940	47,461	64,293	16,832	32.3%
Services	96,000	14,530	8,000	(6,530)	72,521	88,000	15,479	24.5%
Supplies and Materials	5,219	903	435	(468)	2,997	4,784	1,788	42.6%
Utilities	4,816	401	401	0	4,415	4,415	0	8.3%
Casualty and Liability	17,774	1,481	1,481	0	16,293	16,293	0	8.3%
Taxes and Fees	20	0	2	2	25	18	(7)	-25.1%
Miscellaneous	7,490	63	624	561	2,487	6,866	4,379	66.8%
Total Expenses	314,012	29,390	26,168	(3,223)	246,965	287,844	40,879	21.4%
Total Operating Surplus (Deficit)	\$ (128,071)	\$ (9,996)			\$ (61,104)			

Budget Variance Analysis - SunLine Regulatory Administration

Revenue - Favorable

- Taxi revenues are favorable due to collected vehicle permit revenues. Taxi franchises pay the full year's vehicle permits during the peak months of October through April.
- As of January 2019, SunLine Regulatory administration will no longer be collecting a meter reading revenue, instead it will be collecting a Taxi Business Permit fee.

Salaries and Wages - Favorable

- Salaries and wages are within an acceptable range of the budgeted amount.

Fringe Benefits - Favorable

- Fringe benefit savings are within an acceptable range of the budgeted amount.

Services - Favorable

- Service expenditures have been lower than projected for legal and auditing services.

Supplies and Materials - Favorable

- The favorable variance is mainly attributed to savings in office supply costs, and repair part expenses.

Utilities - Favorable

- Utility expenses are within an acceptable range of the budget.

Casualty and Liability - Favorable

- Casualty and liability expenses are within an acceptable range of the budget.

Taxes and Fees - Unfavorable

- Unfavorable balance is attributed to increased use of support vehicles.

Miscellaneous - Favorable

- The favorable balance is mainly attributed to savings in travel and training expenses.
Travel & training savings can be attributed to different times at which training sessions are attended.

SunLine Services Group
CONSENT CALENDAR

DATE: July 24 , 2019

RECEIVE & FILE

TO: Taxi Committee
Board of Directors

RE: Taxi Trip Data - June 2019

Summary:

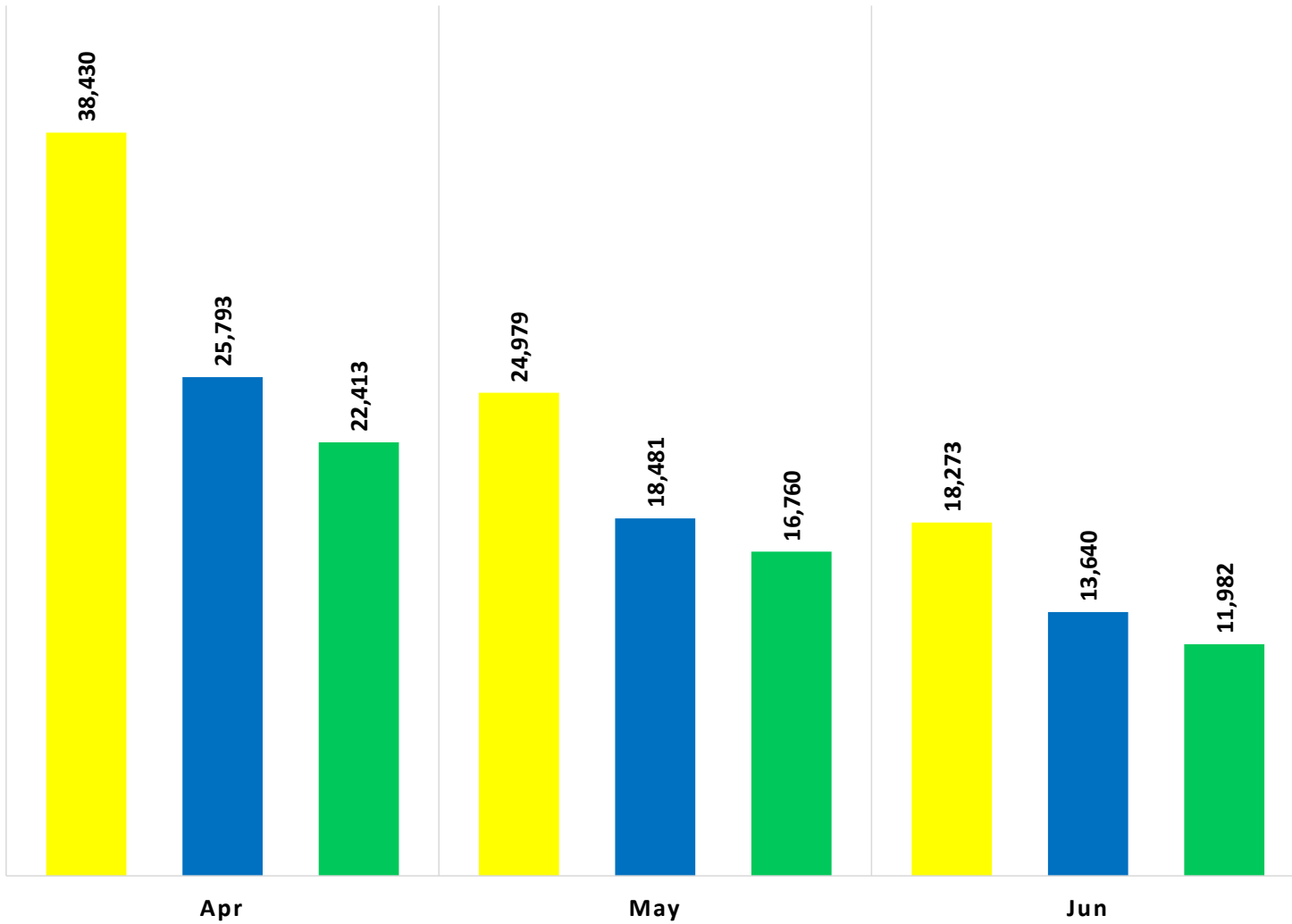
The attached report summarizes the total number of taxi trips generated in the Coachella Valley for the most recent three month period. A second graph shows the total taxi trips for the current fiscal year compared to the two previous fiscal years. Transportation Network Company (TNC) operations continue to negatively impact taxicab ridership in our jurisdiction. There have been 67,747 fewer taxi trips to date in FY19 than for the same period in FY18 and 1,658 fewer taxi trips in June 2019 compared to June 2018.

Recommendation:

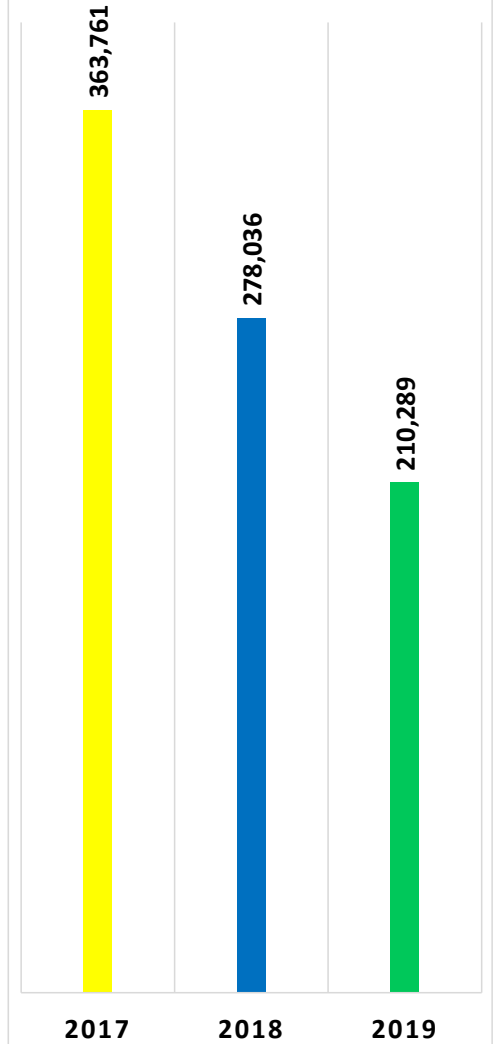
Receive and file.

Number of Taxi Trips - June 2019

2017 2018 2019



Year to Date No. of Taxi Trips



Measures the total number taxi trips taken year to date for FY 2017, 2018 and 2019

SunLine Services Group
CONSENT CALENDAR

DATE: July 24, 2019

RECEIVE & FILE

TO: Taxi Committee
Board of Directors

RE: Metric (Taxi Expense vs Taxi Revenue) May 2019

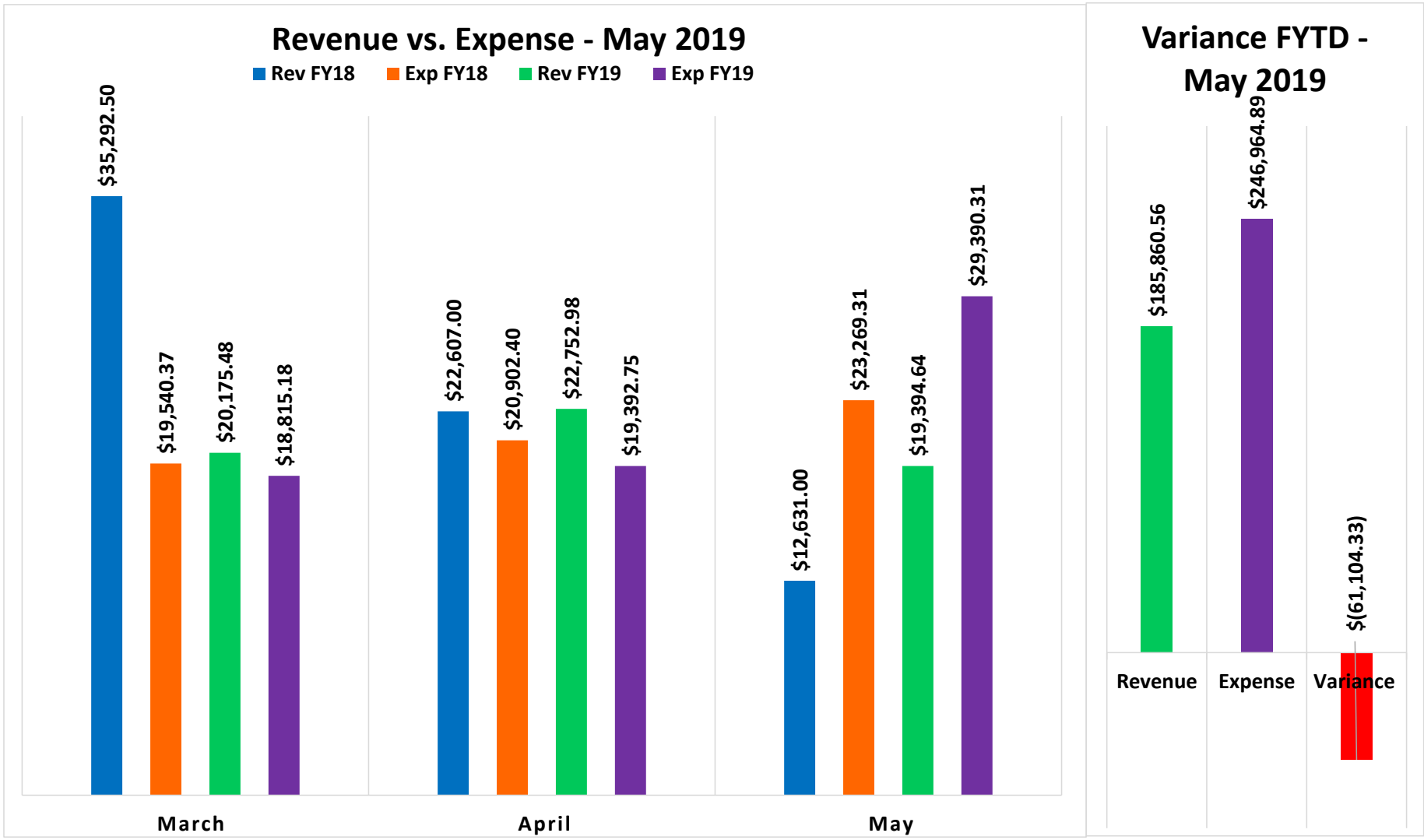
Summary:

The graph displays revenue and expenses for the current month and two previous months. Revenues are generated by taxi business permit fees, vehicle permit fees and driver permit fees. Expenses display the total operational costs for SunLine Services Group.

- Variance graph displays the total variance between revenue and expense occurring to date, for the current fiscal year.
- Expenses for the current fiscal year are greater than revenue by \$61,104.33.
- To date, SSG has incurred \$68,885.39 in legal service fees. The increased legal service fees were anticipated due to AB1069 and implementing a new taxi ordinance and taxi regulations.
- The FY19 budget was approved at a \$128,071 deficit due to uncollectable revenues through the decline in ridership. Use of previous years' operating fund surplus required to cover deficit.

Recommendation:

Receive and file.



The graph measures Revenues vs Expenses for FY18 and FY19

SunLine Services Group

DATE: July 24, 2019 **INFORMATION**

TO: Taxi Committee
Board of Directors

FROM: Michal Brock, Taxi Administrator
Eric Vail, General Counsel

RE: Recreational Use of Marijuana in California – Mandatory Drug Testing

Background

At the June 26, 2019 Taxi Committee meeting, the Taxi Committee directed staff to review the matter of marijuana testing of taxicab drivers since it is now legal for recreational use in California.

Government Code § 53075.5(b)(3)(A) requires SunLine to stay with the federal regulations in its ordinance:

“...the program ***shall include***, but need not be limited to, all of the following requirements: Drivers shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. Drivers shall test negative for these controlled substances and for alcohol as a condition of permit renewal or, if no periodic permit renewals are required, at such other times as the city or county shall designate.”

Updated language is not required for the recreational use of marijuana because the mandatory drug test already addresses marijuana by referencing the Code of Federal Regulations. The ordinance requires that the mandatory drug testing program comply with all the requirements per the Government Code and Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations.

Because the Government Code and SunLine's Ordinance requires compliance with the federal regulations, regardless of when the legalized drug was used, if marijuana is detected above the cutoff concentration, a driver is not compliant with the SunLine Ordinance and SunLine would have the ability to deny/revoke a driver permit.

SunLine Services Group

DATE: July 24, 2019 **INFORMATION**

TO: Taxi Committee
Board of Directors

FROM: Michal Brock, Taxi Administrator
Eric Vail, General Counsel

RE: Taxicab Base Color

Background

At the June 26, 2019 SunLine Services Group Board of Directors meeting, the Taxi Committee was directed to review the matter of a taxicab base color restriction following a concern brought to the Board of Directors through a public comment.

In the latter months of 2018, staff worked diligently with the local taxicab businesses to create an ordinance that conformed to legal requirements of AB1069. Moreover, the taxicab businesses requested that SSG create the ordinance according to the bare minimum requirements of AB1069 so that they would have the ability to compete better with Transportation Network Companies, which subsequently removed all language pertaining to a taxicab distinct appearance. It was not until the recent approval of a new taxicab business, that an objection was raised to this language.

Staff's position on this matter is to follow the legislative intent of AB1069 by encouraging healthy competition among the taxi industry through relaxing overburdensome regulatory restrictions previously placed in these businesses. Regulating the base color of a taxicab is too restrictive and discourages creative branding among existing and potential taxicab businesses that may want to enter the market.

In today's world of vehicle distinction, there are countless color shades that come off an assembly line. These various shades of different colors are often unique to a particular vehicle manufacturer, vehicle make and model, and model year; with some sold as "limited edition" vehicles. The most common vehicle colors are varying shades of:

- White
- Black
- Gray
- Red
- Blue

It would prove to be extremely difficult to regulate and enforce what degree of color variation would be acceptable or unacceptable when vetting a taxicab business applicant. Additionally, creative vehicle graphic design options are now a popular method of business branding. Vehicle graphic designs are often created to showcase the distinct marketing strategy of a business and can include a multitude of colors and/or images. That again, would be excessive to regulate when narrowing the “distinct appearance” of a taxicab to include a vehicle base color.

SunLine Services Group

DATE: July 24, 2019 **ACTION**

TO: Taxi Committee
Board of Directors

FROM: Michal Brock, Taxi Administrator
Eric Vail, General Counsel

RE: Second Reading of SunLine Services Group (SSG) Ordinance
No. 2019-01

Recommendation

Recommend that the Board of Directors approve the second reading of SSG Ordinance No. 2019-01 which, in accordance with the motion approved by the Board, contains the edits in the supplemental staff report submitted by General Counsel at the June 26, 2019 Board meeting. There have been no other modifications.

Background

SunLine Regulatory Administration (SRA) staff worked with the taxicab businesses in 2018 to create an ordinance that would comply with the bare minimum legal requirements of AB1069. Ordinance No. 2018-01 was approved and went into effect January 1, 2019, with the understanding that there would likely be changes while navigating through this new paradigm of taxicab regulation.

As previously understood, SRA staff has again worked in a joint effort with the taxicab businesses and Legal Counsel to make clarifying additions and changes, as reflected in the proposed Ordinance No. 2019-01.

The proposed Ordinance No. 2019-01 changes are as follows:

- Permits delivery of notice or requests by electronic mail;
- Permits request(s) for taxicab business financial and performance documents for industry reporting, evaluation, and analysis purposes;
- Requires fingerprint based criminal history checks for individuals that hold interest in a taxicab business;
- Establish annual business and vehicles permit issuance and expiration procedures to be based on the SSG Fiscal Year and prorated fees accordingly;
- New Business Permit Application and Annual Business Permit Application fee;
- Additional Business Permit Requirements;
 - Verification of participation in the California DMV Pull Notice Program as required in Government Code Section 53075.5.;
 - Evidence of California Department of Motor Vehicle Registration;
 - Taxicab business distinctive appearance;

- Operation and maintenance of at least one (1) wheelchair-accessible van in each taxicab company fleet;
- Evidence of individual driver insurance coverage;
- Driver Permit and Transfer Requirements;
- Taxicab Vehicle Permit Requirements;
- Vehicle Inspection Requirements;
- Establishment of Taxicab Business Distinct Appearance;
- Taxicab Business Service Advertising Requirements;
- Additional Driver Standards and Appearance;
 - Transport and Assistance Service Requirements;
 - Dispatch Service Requirement;
 - Collision Reporting Requirement;
- Special Events Taxicab Service Requirement;
- Changes the maximum flag drop/base rate to \$4.00 and maximum wait time rate to \$24.00 per hour;
- Permits Taxi Administrator to conduct investigation, audits, or field investigations to enforce provisions within ordinance and regulations.

Financial Impact

The proposed Ordinance No. 2019-01 will have no financial impact to the FY20 SSG budget.

**ORDINANCE NO. 2019-01
AN ORDINANCE OF SUNLINE SERVICES GROUP
SUPERSEDING ORDINANCE 2018-01**

WHEREAS, Government Code Section 53075.5 requires every city and county to protect the public health, safety and welfare by adopting an ordinance concerning the provision of taxicab services, to provide a policy for entry into the business of providing taxicab services, to establish maximum rates for the provision of such services, and for such other matters as determined by the legislative body; and,

WHEREAS, the County of Riverside and the Coachella Valley cities comprising the joint powers agency known as SunLine Transit Agency (STA) desire to provide for the orderly, efficient, and safe operation of taxicab services within the Coachella Valley; and,

WHEREAS, members of STA have delegated the authority to regulate the safe operation of taxicab services to SunLine Services Group (SSG).

WHEREAS, to modernize the regulation of taxicab transportation services and in order for taxicabs to better compete with all for hire modes of transportation the State amended Government Code Section 53075.5 through Assembly Bill 1069 and Assembly Bill 939; and,

WHEREAS, SSG intends to adopt procedures compliant with Assembly Bill 1069 and Assembly Bill 939 for the regulation of taxicab transportation services in the Coachella Valley.

NOW, THEREFORE, the Board of Directors of SSG does ordain as follows:

SECTION 1: ADOPTION OF TAXICAB SERVICE ORDINANCE.

SSG hereby adopts this ordinance regulating taxicabs within the jurisdictional boundaries of SSG, superseding and replacing Ordinance 2018-01, as attached hereto as Exhibit A.

SECTION 2: SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance of SSG. The Board of Directors of SSG hereby declares that it would have passed this ordinance, and each section, subsection, clause, sentence or phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses, sentences, or phrases may be declared invalid or unconstitutional.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days from its passage by the Board of Directors of SSG.

SECTION 4: PUBLICATION.

The Clerk of the Board is authorized and directed to cause this ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the jurisdictional boundaries of SSG in accordance with Government Code Section 36933(a) or, to cause this ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

INTRODUCED at the regular meeting of the Board of Directors of SunLine Services Group on the _____ day of June, 2019.

APPROVED AND ADOPTED by the Board of Directors of SunLine Services Group at a regular meeting held on _____ day of July, 2019.

Kathleen Kelly
Chairperson of the Board

ATTEST:

Brittney Sowell
Clerk of the Board

APPROVED AS TO FORM:

Eric S. Vail
General Counsel

EXHIBIT A

CHAPTER ONE

ARTICLE I

PERMITTING OF TAXICAB BUSINESSES AND DRIVERS

- 1.010 Purpose
- 1.015 Definitions and Statutory References
- 1.020 Taxi Administrator
- 1.025 Delivery of Notices or Requests
- 1.030 Business Permit Required
- 1.035 Business Permit Renewal
- 1.040 Insurance Required
- 1.045 Driver Permit Required
- 1.050 Driver Permit Renewal and Transfer
- 1.055 Vehicle Permit Required
- 1.060 Vehicle Permit Renewal
- 1.065 Vehicle Inspections
- 1.070 Rates
- 1.075 Mandatory Controlled Substance and Alcohol Testing Program
- 1.080 Denial, Revocation, or Suspension of Permits
- 1.085 Appeal Hearings
- 1.090 Advance Deposit Hardship Waiver
- 1.095 Administrative Citation
- 1.200 Fines and Penalties
- 1.205 Late Payment Charges
- 1.210 Recovery of Administrative Citation Costs
- 1.215 Airports

ARTICLE II

OPERATING REQUIREMENTS

- 2.010 Taxicab Businesses Distinct Appearance
- 2.015 Advertisements
- 2.020 Driver Standards and Appearance
- 2.025 Special Events
- 2.030 Taxi Administrator
- 2.035 Fines and Penalties

CHAPTER ONE

ARTICLE I

PERMITTING OF TAXICAB BUSINESSES AND DRIVERS

Section 1.010 Purpose

State law requires every city or county to adopt an ordinance or resolution in regards to taxicab transportation services, which include, among others, a policy for entry into the business, establishment of registration rates, and mandatory controlled substance and alcohol testing programs. In October 2017, Assembly Bill 1069 was enacted to modernize the regulation of taxicab transportation services in order for taxicabs to better compete with all for hire modes of transportation. In September, 2018, Assembly Bill 939 was subsequently enacted imposing additional duties on local governments related to taxicab transportation services. This ordinance establishes a permitting process and regulatory structure consistent with the requirements of state law.

Section 1.015 Definitions and Statutory References

As used in this Chapter:

- A. "AB 1069" means Assembly Bill 1069 *Local government: taxicab transportation services* as codified in Government Code Sections 53075.5, 53075.51, 53075.52 and 53075.53.
- B. "AB 939" means Assembly Bill 939 *Local government: taxicab transportation services* amending Government Code Sections 53075.5, 53075.51, and 53075.52.
- C. "Advertisement" means the dissemination in any newspaper, circular, form letter, brochure, business card, telephone directory (including the yellow and/or white pages) or similar publication, display, sign, internet, phone and/or tablet "app", radio broadcast, telecast of by other electronic means, information designed to promote the use of a Taxicab Business' services.
- D. "Alternative Fuel Vehicle" means vehicles and engines that are designed for alternative fuels including but not limited to hydrogen, natural gas, propane; alcohols such as ethanol, methanol, and butanol; vegetable and waste-derived oils; and electricity.
- E. "Board" or "Board of Directors" means the Board of Directors of SunLine Services Group.
- F. "Business" means any person, firm, association, corporation, partnership or other entity that is established to operate or lease one or more taxicabs

within the jurisdictional boundaries of SSG that is issued a permit by the Taxi Administrator pursuant to this ordinance.

- G. "Business Permit" means the permit issued by SSG to a business authorizing the business to operate taxicab services in the jurisdictional boundaries of SSG.
- H. "Business Permit Fee" means the fees charged for issuance of the business permit.
- I. "Business Permit Application Fee" means the fees charged for the review of an application for a Business Permit prior to issuance.
- J. "Control Person" means any person, firm, association, corporation, partnership, owner, investor, shareholder, officer and director that has or have a majority interest in the Taxicab Business.
- K. "Driver" means an individual natural person who drives or is allowed to drive a taxicab under the name of a business. This includes, but is not limited to: full time, regularly employed drivers; casual intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to a business or who drive or operate a taxicab at the direction of or with the consent of a business.
- L. "Engaged With a Passenger" means ongoing interactions between the Driver and passenger during the course and scope of providing taxicab service to the passenger.
- M. "Jurisdictional Boundaries of SSG" means the territory within the jurisdictional boundaries of the cities of Desert Hot Springs, Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio, Coachella, and the unincorporated area of Riverside County that is within the territorial boundaries of the Palm Springs and Desert Sands Unified School District, and that portion of the Coachella Valley Unified School District located within Riverside County, as such boundaries may be adjusted from time to time as allowed for under the law.
- N. "Permittee" means any business including any owners, investors, shareholders, partners, officers, directors and representatives acting on its behalf or driver that has been issued a permit pursuant to the Article I.
- O. "Prorated" means a pro rata distribution based on the date of business, driver or vehicle permit issuance.
- P. "Pull Notice Program" as referred to in Vehicle Code Section 1808.1 shall mean a process for the purpose of providing the employer with a report

showing the Driver's current public record by the Department of Motor Vehicles and any subsequent convictions, failures to appear, accidents, driver's license suspensions, driver's license revocations, or any other actions taken against the driving privilege or certificate, added to the driver's record while the employer's notification request remains valid and uncanceled.

- Q. "Per Mile" means the charge to a taxicab passenger calculated and based on distance traveled by the taxicab vehicle.
- R. "SSG" means the joint powers authority established by Riverside County and Coachella Valley cities charged with the duties, obligations and responsibilities to implement and enforce this ordinance and any related ordinance and any regulations promulgated pursuant thereto as directed by the SSG Board.
- S. "Substantially Located" shall have the same meaning as defined within Government Code Section 53075.5.
- T. "Taxicab" means every automobile or motor propelled vehicle, designed for carrying not more than eight persons, excluding the driver, where the driver's seat may be separated from the passenger's compartment by a glass or other partition used for the transportation of passengers for hire over the public streets in the jurisdictional boundaries of SSG, and not over a defined route, irrespective of whether the operations extend beyond the jurisdictional boundaries, in circumstances where the vehicle is routed under the direction of the passenger of the person hiring the same.
- U. "Taxi Administrator" means the General Manager of SSG or his/her designee.
- V. "Vehicle Permit" means a valid permit issued by SSG, authorizing a particular vehicle to be operated as a Taxicab.
- W. "Vehicle Permit Fee" means a non-transferable authorization to drive or operate a vehicle as an authorized Taxicab transportation service within the jurisdictional boundaries of SSG, whether as owner, lesser, lessee, or otherwise.

As used in this Chapter, any citation or reference to a California code or statute is intended to include any subsequent amendments enacted by the state thereto.

Section 1.020 Taxi Administrator

- A. The Taxi Administrator shall be authorized to carry out the permitting and regulation of Businesses and Drivers under this Chapter, and to enforce the provisions of this Chapter in compliance with California Government

Code sections 53075.5 and 53075.51. The Taxi Administrator is authorized to promulgate and adopt regulations and procedures necessary to implement all provisions of this Chapter.

- B. The Taxi Administrator shall be authorized to conduct investigations, audits or field inspections in order to enforce the provisions of this Chapter and regulations.

Section 1.025 Delivery of Notices or Requests

- A. All notices or requests referred to in this ordinance shall be delivered to the Administrative Office of SSG. All notices or requests referred to in the ordinance of SSG to any business or individual shall be delivered to the address of record for the business or individual.
- B. Notices or requests referred to in this ordinance may be delivered through electronic mail to the address provided in the application for a Business, Driver or Vehicle Permit.
- C. Delivery of any notice or request shall be effective as follows:
 - 1. Immediately if given by personal delivery or electronic mail;
 - 2. One (1) day after delivery if delivered by an overnight delivery service; and
 - 3. Three (3) days after delivery if delivered by U.S. Mail.

Section 1.030 Business Permit Required

- A. It is unlawful for any business to operate a Taxicab or Taxicabs without first having been issued a Business Permit from SSG if the Business is substantially located within the Jurisdictional Boundaries of SSG.
- B. A Business Permit may be obtained from SSG as provided below. The Permit shall state the name of the Taxicab Business, location of principal operation, and the date of issuance. If the Taxicab Business and the Driver are the same person, he or she shall apply for and obtain from SSG both a Business Permit and a Driver permit.
- C. An applicant for a Business Permit shall complete an application form which shall contain the following information:
 - 1. Name of Business as recorded in formation documents filed with the California Secretary of State or fictitious business name as registered with Riverside County;

2. Name, job title, and function of all owners, investors, shareholders, partners, officers, directors and representatives acting on the Business' behalf and provide such information as is required to evaluate the legitimacy of the company's business structure, qualifications, corporate stability, financial stability and capability;
3. Fingerprint based criminal history check of all owners, investors, shareholders or partners that hold an interest in the Taxicab Business;
4. Address of principal place of business from which the Business conducts its activities;
5. Address of all locations from which the Business conducts its activities;
6. Electronic mail address for the purpose of providing notice or requests.
7. Before any Business Permit is issued, the applicant shall procure and maintain, at its cost, comprehensive general liability and property damage insurance, against all claims for injuries against persons or damages to property which may arise from or in connection with the operation of Taxicabs by the applicant, its agents, representatives, employees, or subcontractors and the owner of the vehicle;
8. A list of the Vehicle Identification Numbers ("VIN") of the Taxicabs ("vehicle identification list") which have annually passed a vehicle safety inspection at a facility certified by the National Institute for Automotive Service Excellence or a facility registered with the Bureau of Automotive Repair. The list shall include vehicle number, license plate number, and SSG permit number;
9. A current list of all Drivers authorized to operate any vehicle on the required vehicle identification list;
10. Evidence of valid and current California Department of Motor Vehicle Registration for each Taxicab listed in the vehicle identification list;
11. Verification of safety and education program as required by Government Code Section 53075.5;
12. Verification of disabled access education program as required by Government Code Section 53075.5;

13. Verification of participation in the Pull-Notice Program pursuant to Section 1808.1 of the California Vehicle Code;
 14. Each applicant shall submit information establishing the total number of prearranged and non-prearranged trips that originate within the Jurisdictional Boundaries of SSG accounting for the largest share of the Business' total number of trips over the applicable time period pursuant Government Code Section 53075.5; and,
 15. Each applicant shall provide SSG an address of an office or terminal where documents supporting the factual matters specified in Government Code Section 53075.5 may be inspected by SSG upon request.
- D. The Business Permit shall be valid for a period of one (1) year, beginning July 1st of each year and expiring June 30th or until suspended, revoked or surrendered. Requirements to approve and maintain the permit include:
1. Taxicab Business shall have a distinctive appearance and shall have a standard monogram, insignia, or logo which is permanently affixed to each vehicle and indicates that the vehicle is offered for the use of transportation of passengers for hire;
 2. Maintenance of a year-round computerized dispatch system capable of providing performance reports as required by Government Code Section 53075.5 and the Taxi Administrator;
 3. At least one (1) wheelchair-accessible van that meets federal standards as provided in Title 49, Subtitle A, Part 38 of the Code of Federal Regulations ready and available as may be requested in its fleet;
 4. Proof of insurance per section 1.040;
 5. Compliance with the maximum rates established per section 1.070;
 6. Implementation of mandatory controlled substance and alcohol testing program per section 1.075;
 7. Maintenance of safety education and training program;
 8. Maintenance of disabled access education and training program;
 9. Maintenance of current and valid California Department of Motor Vehicles Registration for each Taxicab listed in the vehicle identification list;

10. Continuous participation in the Pull Notice Program per Vehicle Code Section 1808.1; and,
 11. Compliance with all operational requirements in Article II of this Chapter.
- E. Each Taxicab Business shall at all times maintain accurate and complete accounts of all revenues and income arising out of its Taxicab operations, a list of vehicles in use, a list of all Drivers of the company, any complaints by patrons and any other information SSG may require to verify compliance with the ordinance of SSG. The Taxicab Business' books, accounts and records pertaining to compliance with the ordinance of SSG shall at all reasonable times be open to inspection, examination and audit by the authorized officers, employees and agents of SSG. The refusal of a Taxicab Business to provide the required records for inspection shall be deemed a violation of the ordinance of SSG and cause for termination of the Taxicab Business permit. Any proprietary data provided to SSG shall be maintained confidential to the extent permitted by law.
- F. At the time the application for a Business Permit is received, the applicant shall pay a Business Permit Application Fee as established and amended from time to time by resolution of the Board. Fees shall be due and payable before a Business Permit application is processed. Prorated fees will be based on the date of Business Permit approval.
- G. At the time the application for a Business Permit is received, it will be reviewed for accuracy and compliance within ten (10) days. The applicant will receive a deficiency notice should the application and documents be lacking and/or incomplete. The applicant shall have thirty (30) days from the date of deficiency notice to remedy and re-submit application deficiencies. Applications that have not met the minimum requirements for a Business Permit within sixty (60) days will be denied. A new Business Permit application must be submitted for consideration, thereafter.
- H. At the time a Business Permit Application is approved, the applicant shall pay the Annual Taxicab Business Permit Fee. The Annual Taxicab Business Permit Fee shall be due and payable before issuance of a Business Permit. The Annual Taxicab Business Permit Fee may be adjusted by resolution of the Board. The Board may establish a procedure for payment of the Annual Taxicab Business Permit Fee in installments.
- I. The Board may establish a procedure for a payment of the Business Permit Fee in installments.

- J. The rights of appeal provided for by Section 1.085 are available to a Business in the event that his or her Business Permit is denied based on the provisions of this Chapter.
- K. In the event a Taxicab Business or any Control Person transfers 50% or more of its interest in the Business therein, the Taxicab Business' Permit cannot be sold or transferred in part or in whole, by assignment, trust, mortgage, lease, sublease, pledge or other hypothecation without prior written consent of the Board.

Section 1.035 Business Permit Renewal

- A. Sixty (60) days prior to the expiration of a Business Permit the Business may apply to SSG for a renewal thereof for an additional year. A Business shall be entitled to a one (1) year renewal of the Business Permit provided that:
 - 1. The Business submits a Business Permit renewal application;
 - 2. The Business pays the annual renewal application fee;
 - 3. The Business pays the Business Permit Fee;
 - 4. The Business pays the applicable Taxicab Vehicle Permit Fee;
 - 5. The Business shows that it continues to be substantially located within the Jurisdictional Boundaries of SSG as defined in Government Code Section 53075.5;
 - 6. The Business continues to comply with all provisions of Section 1.030.
- B. The rights of appeal provided for by Section 1.085 are available to a Business in the event that renewal of his or her Business Permit is denied based on the provisions of this Chapter.

Section 1.040 Insurance Required

- A. The insurance policies required under this Chapter shall consist of and contain or be endorsed to contain the following provisions:
 - 1. General Liability and Automotive Liability Coverage:
 - a. SSG, its member entities, their officers, officials, employees, and volunteers are to be covered as insureds for liability related to:

- i. Activities performed by or on behalf of the Business;
 - ii. Premises owned, occupied, or used by the Business;
and,
 - iii. Automobiles owned or leased by the Business.
 - b. The Permittee shall also carry Workers' Compensation Insurance in accordance with State of California Workers' Compensation laws.
 - c. The coverage shall contain no special limitations on the scope of protection afforded to SSG, its member entities, their officers, officials, employees, agents, representatives, or volunteers.
 - d. The business' insurance shall be primary insurance as respects SSG, its member entities, their officers, officials, employees, agents, representatives and volunteers, any insurance or self-insurance maintained by SSG, its member entities, their officers, officials, employees, agents, representatives or volunteers shall be in excess of the Permittee's insurance and shall not contribute with it.
 - e. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to SSG, its member entities, their officers, officials, employees and agents.
 - f. Permittee's insurance shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of the insurer's liability.
2. All Coverage:
- a. Each insurance policy required by this Section shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to SSG.
 - b. Permittee shall furnish SSG with a certificate of insurance and any applicable policies and endorsements affecting the coverage required hereunder. The policies and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. At SSG's option, endorsements and any certificates of insurance required by

SSG shall be on forms provided or approved by SSG. All endorsements and certificates are to be received and approved by SSG prior to the operation of any Taxicab by the Permittee in the Jurisdictional Boundaries of SSG. SSG reserves the right to require complete certified copies of all insurance policies, including endorsements affecting the coverage required by this ordinance, at any time and shall include, but not limited to, the obligation to indemnify, hold harmless, release and defend SSG.

- c. Business Permittee shall include all individual Drivers employed by Permittee, agents, contractors, other sub-operators as may be permitted by SSG, as insureds under its policies or shall furnish separate certificates and endorsements for each sub-operator. All coverage for such sub-operators shall be subject to all of the requirements stated herein.
- d. The procuring of such insurance or the delivery or endorsements and certificates evidencing the same shall not be construed as a limitation of the Permittee's obligation to indemnify, hold harmless, release and defend SSG, its member entities, their officers, officials, employees, agents, representatives, and volunteers from and against any and all liability, claims, suits, costs, expenses, fines, judgments, settlements, charges or penalties, including reasonable attorney's fees, regardless of the merit or outcome of the same arising out of, or in any manner connected with, any or all of the operations or services authorized conducted or permitted under this ordinance.
- e. The amount of insurance required hereunder shall be as follows:
 - i. For injury or death in any one accident or occurrence, three hundred fifty thousand dollars (\$350,000.00);
 - ii. For the injury or destruction of property in any one accident or occurrence, three hundred fifty thousand dollars (\$350,000.00);
 - iii. For combined single limits of liability for primary bodily injury and primary property damage, three hundred fifty thousand dollars (\$350,000.00);

- iv. For employer's liability, with limits of three hundred fifty thousand dollars (\$350,000.00).
 - f. It shall be the responsibility of all Permittees to provide and maintain insurance coverage in compliance with the provisions of this ordinance to cover each and every driver that operates a vehicle as a Taxicab. The Permittee shall further ensure that appropriate certificates of insurance reflecting the coverage are on file with SSG at all times.
3. Insurance required by this Section shall be satisfactory only if issued by companies having at least an A- Best Insurance Rating or equivalent, and are admitted to do business in California. All applicants are required to comply with this Section prior to the issuance of any Business Permit.
 4. Permittees are responsible to ensure compliance with all of the foregoing insurance requirements and regulatory provisions related to such requirements. Responsibility on the part of the Permittee includes ensuring that any vehicle owner whose vehicle is operated under the Business Permittee's name maintains insurance and provides SSG with proof of the same at all times that each vehicle is operated. Failures to comply with the foregoing insurance requirements which affect the Business as a whole shall result in immediate suspension of the permit. Failure to comply with the foregoing insurance requirements three (3) times within a calendar year constitutes grounds for revocation of the permit.
- B. Permittees shall maintain on file with SSG evidence of its insurance coverage meeting all the requirements as indicated in this Section. The Permittee shall provide SSG with verbal notice within 24 hours in the event of any change in insurance coverage and written notification of any insurance change within three (3) calendar days after the change.

Section 1.045 Driver Permit Required

- A. It is unlawful for any person to drive a Taxicab without having first obtained a Driver permit from SSG. A Driver permit may be obtained as provided below.
- B. An applicant for a Driver permit shall complete an application which shall contain the following information:
 1. Applicant's full name, residence address and age;
 2. A listing of all equivalent permits which have been issued to the applicant by any governmental agency;

3. Applicant's height, weight, gender and color of eyes and hair;
 4. The number and expiration date of the applicant's California driver's license;
 5. Proof of insurance as insureds under an employer's policies as required by Section 1.040;
 6. All moving violations within the last 3 years, including dates of violations and the jurisdiction where each violation occurred;
 7. Authorization for SSG, or its agents or employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant; and
 8. The name of the Business with whom the applicant is employed or who has given the applicant an offer of employment within the meaning of Government Code Section 53075.5.
- C. At the time the applicant submits an application for a Driver permit, the applicant shall do all of the following:
1. Submit to a fingerprint based criminal history check pursuant to Government Code Section 53075.5;
 2. Provide SSG with a copy of the results of the drug and alcohol test as conducted by the Business pursuant to Government Code Section 53075.5 and Section 1.075 of this ordinance;
 3. Provide SSG with a copy of the Department of Motor Vehicles Pull Notice Program enrollment, as defined in Vehicle Code Section 1808.1; and
 4. Payment of Driver permit fee as established and amended from time to time by resolution of the Board. The Driver permit fee shall be due and payable before receipt of the driver permit.
- D. The Taxi Administrator may accept the submission of a permitted Business' Driver application that provides all the information required in subsections B and C above in lieu of the Driver application provided by SSG.
- E. The Driver permit shall state the name of the employer.
- F. In the event of denial, revocation or suspension of a Driver permit, the applicant may within ten (10) days of notification of denial apply to SSG for

a hearing on the denial in accordance with the procedures set forth in Section 1.085.

- G. The Driver permit shall be valid for a period of one (1) year or until suspended, revoked or surrendered. Termination of the Driver's California driver's license shall constitute grounds for revocation of the Driver permit authorized hereunder.
- H. Upon termination of employment within the meaning of Government Code Section 53075.5 the permit shall become void. In such case, the Driver shall immediately return the Driver permit to SSG. Upon return of the Driver permit, the Driver may re-apply for a Driver permit, provided that the Driver complies with the requirements for issuance of a Driver permit under this Section.

Section 1.050 Driver Permit Renewal and Transfer

- A. Prior to the expiration of a Driver permit, the Driver may apply to SSG for a renewal thereof for an additional year. A Driver shall be entitled to a one (1) year renewal of the Driver permit provided that:
 - 1. The Driver pays a permit renewal fee as established and amended from time to time by resolution of the Board;
 - 2. The Driver submits to permit-renewal controlled substances and alcohol testing as provided by Government Code Section 53075.5;
 - 3. The results of controlled substances and alcohol testing indicate that the Driver has not been using a controlled substance as specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations;
 - 4. The results of such testing indicate that the Driver has a breath concentration of less than 0.02 percent on an alcohol screening test; and,
 - 5. The Driver has not been convicted of any of the crimes, including but not limited to, those crimes enumerated in Section 1.080 during the preceding year.
- B. A Driver may request a transfer of his/her Driver Permit to another Permittee provided the Driver has submitted the following:
 - 1. A Driver permit application signed by an authorized representative of the prospective Permittee;
 - 2. A Driver permit transfer fee; and

3. SSG Driver permit to be transferred;
- C. Driver shall not operate a Taxicab until the transfer permit is obtained and in possession of the Driver pursuant to this Section.
- D. A transferred Driver permit shall expire on the same date as the original Driver Permit and shall not exceed the Driver's permit period.
- E. If the Driver permit has expired or terminated and is not renewed or transferred within thirty (30) business days of the expiration or termination, the Driver shall be required to re-apply as a new applicant for issuance of a Driver permit and shall pay all fees associated therewith.
- F. The rights of appeal provided for by Section 1.085 are available to a Driver in the event that renewal of his or her Driver permit is denied based on the provisions of this Chapter.

Section 1.055 Vehicle Permit Required

- A. It is unlawful for any Taxicab to operate without first having been issued a Vehicle Permit from SSG, unless otherwise authorized by Government Code section 53075.5. At all times while providing Taxicab service, the Vehicle Permit must be affixed to the lower left rear windshield of the vehicle.
- B. A Vehicle Permit may be issued provided that the vehicle has successfully completed a safety and cosmetic inspection conducted by a facility certified by the National Institute for Automotive Service Excellence or a facility registered with the Bureau of Automotive Repair in accordance with the vehicle safety standards.
- C. The Vehicle Permit shall be valid for a period of one (1) year, beginning July 1st of each year and expiring June 30th or until suspended, revoked or surrendered.
- D. The Vehicle Permit Fee shall be due and payable upon the issuance of a Vehicle Permit. Permittees shall pay the Vehicle Permit Fee for each vehicle that is issued a Vehicle Permit.
- E. If a vehicle is permanently taken out of service with a balance due to SSG of the Vehicle Permit Fee for the year, such fee shall become immediately due and payable.
- F. If a Taxicab Business' Business Permit is suspended or terminated pursuant to section 1.080, all corresponding Vehicle Permits shall also be suspended. Owners of all vehicles with a suspended Vehicle Permit shall present vehicles to SSG for out of service Taximeter readings immediately

upon suspension or termination of a Taxicab Business or expiration, suspension or termination of the Vehicle Permit sticker. The owner of the vehicle shall have thirty (30) days to register the vehicle with an existing and valid Taxicab Business permit holder. If the owner fails to register the vehicle within such thirty (30) day period, the vehicle shall be presented to SSG for removal of the Vehicle Permit sticker (if such sticker has not already been surrendered) and the balance of the Vehicle Permit Fee owing to SSG for the vehicle shall be immediately due and payable. SSG shall pursue collection of the Vehicle Permit Fee from either the Taxicab Business or the owner of the vehicle and no Vehicle Permit sticker shall be issued to the vehicle regardless of its ownership until the Vehicle Permit Fee owing to SSG shall have been paid.

Section 1.060 Vehicle Permit Renewal

- A. Prior to the expiration of a Vehicle Permit, the Permittee may apply to SSG for a renewal thereof for an additional year. A Vehicle Permit may be entitled to a one (1) year renewal provided that:
 - 1. Payment of the Vehicle Permit Fee as established and amended from time to time by resolution of the Board is received; and
 - 2. All requirements for initial issuance of a Vehicle Permit are maintained as provided in Section 1.055.
- B. The rights of appeal provided for by Section 1.085 are available in the event that renewal of a Vehicle Permit is denied based on the provisions of this Chapter.

Section 1.065 Vehicle Inspections

- A. Prior to obtaining a Taxicab Business Permit, an applicant shall first present each vehicle to be used as a Taxicab to a facility certified by the National Institute for Automotive Service Excellence or a facility registered with the Bureau of Automotive Repair, and SSG, for a vehicle safety and cosmetic inspection. Any vehicle(s) that a Taxicab Business proposes to add to its fleet shall also be presented to a facility certified by the National Institute for Automotive Service Excellence or a facility registered with the Bureau of Automotive Repair, and SSG, for successful completion of a vehicle safety and cosmetic inspection prior to operation as a Taxicab. The Taxicab Administrator shall maintain a list which reflects the VIN of each vehicle that successfully completes the vehicle safety inspection. A record of the VIN of each vehicle that fails the vehicle safety inspection shall also be maintained by SSG.

- B. In addition to the initial vehicle safety and cosmetic inspection, each vehicle shall be required to pass additional inspections at the following times:
1. Every twelve (12) months from the date the vehicle is first licensed as a Taxicab;
 2. After every incident resulting in cosmetic or greater damages; and,
 3. At any time upon written request by the Taxi Administrator.
- C. Failure to present a vehicle for inspection under this ordinance within three (3) days of the date upon which a request under Section 1.025 is delivered or within three (3) days after inspection is due shall result in the issuance of a penalty in accordance with Section 1.095. Further failure to present a vehicle for inspection under this ordinance within ten (10) days of the date upon which a written request is delivered or inspection is due shall result in the vehicle being declared presumed unfit to operate as a Taxicab, an administrative citation shall be issued to that effect, and the vehicle shall be read out of service.
- D. It is unlawful to operate a Taxicab vehicle in an unsafe operating condition, including but not limited to a condition that violates the vehicle safety inspection standards of SSG. All Taxicab Businesses are responsible to ensure that their vehicles are maintained in a safe operating condition at all times that they are in service. An incident that results in any cosmetic or greater damage shall be reported to SSG.

Section 1.070 **Rates**

- A. No Permittee operating in the Jurisdictional Boundaries of SSG may charge a rate in excess of the maximum rate of \$12.00 Per Mile, \$4.00 flag drop/base rate, and \$24.00 per hour for traffic delay or waiting time. Maximum rates may be adjusted by resolution of the Board.
- B. A Permittee may charge a rate that is less than the maximum rate set by SSG. Permittees may set fares or charge a flat rate as made permissible by Government Code Section 53075.5. No other fees or rates may be charged by a Permittee except as permitted by law.
- C. The Board may from time to time establish maximum flat rates for special events or fixed routes.
- D. A Permittee may use any type of device or technology approved by the Division of Measurement Standards to calculate fares as provided for in Government Code Section 53075.5.

- E. The Permittee shall disclose fares, fees or rates to the customer as provided for in Government Code Section 53075.5.
- F. The Permittee shall notify the passenger of applicable rates prior to the passenger accepting the ride for walk up rides and street hails as provided for in Government Code Section 53075.5.

Section 1.075 Mandatory Controlled Substance and Alcohol Testing Program

- A. Each Permittee shall maintain a mandatory controlled substance and alcohol testing certification program conforming to all requirements as set forth in California Government Code Section 53075.5 and Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations.
- B. Each Business shall maintain a written drug and alcohol policy as required by Government Code Section 53075.5 and proof that the Business has implemented a drug and alcohol certification program covering all of its drivers.
- C. No Business shall permit a Driver who refuses to submit to such tests to operate or continue to operate a Taxicab.
- D. In the case of self-employed independent Driver within the meaning of Government Code Section 53075.5, the test results shall be reported directly to SSG. In all other cases, the test results shall be reported to the Business who has employed or made an offer of employment to the Driver within the meaning of Government Code Section 53075.5.
- E. Results of all tests provided for in this Section are confidential and shall not be released to the public without the written consent of the Driver, except as provided by law.

Section 1.080 Denial, Revocation, or Suspension of Permits

- A. In addition to any other reason provided for in this Chapter, a permit may be denied, suspended or revoked when it has been determined that the Business, including any owners, investors, shareholders, partners, officers, directors, and representatives acting on its behalf:
 - 1. Has not complied with the applicable provisions of Article I; or
 - 2. Has not complied with the applicable provisions of the regulations; or
 - 3. Has failed to cure any item listed in a sixty (60) day warning for failure to comply with any requirements of permit issuance; or

4. Has been issued three (3) sixty (60) day warnings of failure to comply with any requirements of this Chapter within a period of twelve (12) months; or
5. Has knowingly made a false statement of fact in an application for such permit; or
6. Has any outstanding balance owed to SSG; or
7. Has charged rates or fares exceeding the maximum rates other than those permitted by Section 1.070.

B. Business and Driver Criminal Conduct

1. A permit may be denied, suspended or revoked when it has been determined that the Business, including any owners, investors, shareholders, partners, officers, directors, and representatives acting on its behalf or Driver has been convicted of any of the following crimes within the timeframes set forth below, whether committed in the State of California or elsewhere. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere:
 - a. Any conviction regardless of the time elapsed, in any state, of any of the following or their equivalent:
 - i. Any crime (apart from adult same-sex consensual sexual behavior) which requires the applicant to register as a sex offender under California Penal Code §290 shall require denial or revocation; or
 - ii. Any felony involving actual or threatened violence against persons, including, but not limited to, assault, battery, robbery or the use of a firearm or other weapon against a person.
 - b. Any conviction (felony or misdemeanor) within the past seven (7) years of any crime involving theft or dishonesty, including, but not limited to, burglary, theft, shoplifting or other crime related to fraud or intentional dishonesty; or
 - c. Any conviction (felony or misdemeanor) within the past seven (7) years of any crime involving the sale, possession or transportation of narcotics or other controlled substances; or

- d. Any conviction (misdemeanor or felony) within the past three (3) years of any crime involving pandering or prostitution.
 2. In addition to the crimes listed above, no Driver permit shall be granted to an applicant who has been convicted of three (3) or more moving violations within three years previous to submission of the application. Any permit previously granted shall be revoked for any Driver who has been convicted of three (3) or more moving violations within three (3) years.
 3. In addition, if an applicant has been convicted of, or pled nolo contendere at any time within the past seven (7) years, to a violation related to driving under the influence of alcohol or drugs, the applicant shall be disqualified and the application shall be denied. If after issuance of a permit to a Driver, the Driver is convicted of, or pleads nolo contendere to, a violation related to driving under the influence of alcohol or drugs, the Driver's permit shall be revoked.
- C. In addition to the foregoing, a Driver permit may be suspended, revoked or denied in the event that:
1. A driver is involved in an accident due to a medical condition that prevents the Driver from safely operating a vehicle, or;
 2. A medical condition that prevents a Driver from safely operating a vehicle otherwise comes to SSG's attention. Any Driver whose permit has been suspended, revoked or denied due to a prohibitive medical condition as described above, shall be entitled to a permit upon certification by a medical doctor that the condition is correctable, has been corrected and will continue to be corrected.
- D. In addition to the above, any Driver permit may be suspended or revoked for any crime which is substantially related to the qualifications, functions, or duties of a Driver which include, but are not limited to, the following: reckless driving; wet reckless driving; murder; rape; vehicular manslaughter; a violation of California Vehicle Code Sections 20001, 20002, or 20003 or any corresponding substitute Sections; robbery; a violation of California Penal Code Section 314 or any corresponding substitute Section; pandering; crimes related to the use, sale, possession, or transportation of narcotics or intoxicating liquors; assault; battery; or indecent exposure.
- E. Any Driver permit may also be suspended for and during the period that the payment of any citation remains outstanding after all appeal periods have been exhausted.

- F. From the time of the revocation or suspension of a Driver permit granted under the provisions of this Chapter, it is unlawful for any person whose Driver's permit has been suspended or revoked to operate or drive a Taxicab within the Jurisdictional Boundaries of SSG until a new permit has been procured or the period of suspension has expired. It is also unlawful for any person to drive or operate within the Jurisdictional Boundaries of SSG any Taxicab during the period of time that a permit has been revoked, terminated or suspended.
- G. In the event the Permittee appeals any denial, suspension, or revocation of a permit issued under this Section, the appeal procedures of Section 1.085 shall apply.

Section 1.085 Appeal Hearings

- A. Any person aggrieved by any determination under the provisions of this Chapter shall be entitled to appeal that decision as provided herein. Any recipient of an administrative citation may contest that there was a regulatory violation or that he or she is the responsible party.
- B. A request for hearing must be made within ten (10) days following the delivery of notice of the decision of the Taxi Administrator which is challenged by delivery of the request for hearing at the administrative offices of SSG together with:
 - 1. An advance deposit of any fine or a notice of request for an advance hardship waiver pursuant to Section 1.090; and
 - 2. Payment of an appeal fee as established by resolution of the Board of Directors.
- C. Upon satisfaction of the foregoing, SSG shall set a hearing within thirty (30) days of delivery of the request for hearing, or as soon thereafter as reasonably practical. The Taxi Administrator shall appoint a hearing officer.
 - 1. If the appeal is of: (1) a decision to deny, suspend, revoke or terminate a permit; or (2) an administrative fine or penalty imposed pursuant to an administrative citation in excess of \$2,000.00, the Taxi Administrator shall refer the matter to the administrative hearing officer under contract with SunLine, or a retired judge or an administrative law judge with the California State Office of Administrative Law Judges.
 - 2. If the appeal is of a decision to impose a(n) administrative fine(s) or penalty(ies) pursuant to an administrative citation whose total is

less than \$2,000.00, the Taxi Administrator shall refer the matter to an employee who shall serve as the hearing officer.

- D. SSG shall notify the appealing party of the time and date for the hearing, which notice shall be delivered at least fifteen (15) days prior to the hearing.
- E. The hearing officer shall conduct an administrative hearing. The administrative hearing allows SSG and the appealing party to be represented by an attorney, to present evidence related to the alleged violations, to cross examine witnesses who have testified, and to argue their positions. The administrative hearing shall be informal and technical rules of evidence, including but not limited to, the hearsay rule, shall not apply. Oral testimony received at the hearing shall be taken only on oath, affirmation, or penalty of perjury. The right to cross examine witnesses shall not preclude the introduction and consideration of written statements whether made under oath or not. The proceedings shall be recorded or otherwise preserved. It is the intent of SSG that the hearing officer allow wide latitude in introduction of evidence and the holdings and discussions concerning informality of hearings and relaxed rules of evidence set forth in *Mohilef v. Janovici* (1986) 56 Cal.App.4th 310 apply to the fullest extent to all the hearings conducted under this ordinance.
- F. If the appealing party fails to appear, the hearing officer may conduct the hearing in the party's absence and/or may render a decision to dismiss the matter.
- G. After consideration of the evidence presented by all parties, the hearing officer shall render written decision which sets forth a statement of the case, any relevant findings of fact to support the decision and administrative enforcement order. If the hearing officer finds one or more of the alleged violations has been committed, he or she may suspend, revoke, or terminate any permit and/or impose administrative monetary penalties in accordance with the limits set forth in this ordinance. In determining whether to suspend or revoke any permit or to impose administrative monetary penalties, the hearing officer shall take into consideration the gravity of the violation, the entire record of the party requesting the hearing, and the harm threatened to the public by the violation.
- H. The decision of the hearing officer shall be final and the party requesting the hearing shall be notified in writing of the decision of the hearing officer. Such decision shall be delivered within fifteen (15) days from the date the hearing is concluded.

- I. Any review of a decision by the hearing officer brought pursuant to an administrative citation shall be governed by the provisions of Government Code Section 53069.4. Review of any other final decision under this ordinance shall be governed by Code of Civil Procedure Section 1094.5, *et seq.*
- J. With the exception of the conviction of a crime which requires registration as a sex offender under California Penal Code Section 290, in any case where a Driver permit is denied due to a criminal conviction, the applicant shall be entitled to apply the Driver permit application fee towards the appeal fee from such denial. In the event that a Driver permit is granted on such appeal, the applicant shall pay the Driver permit fee in full prior to issuance of a permit.

Section 1.090 Advance Deposit Hardship Waiver

- A. Any person who intends to request a hearing to contest that there was a regulatory violation or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine under Section 1.085, may file a request for an advance deposit hardship waiver.
- B. The request shall be filed with the SSG on an advance deposit hardship waiver application form within ten (10) days of the date of the administrative citation.
- C. The requirement of depositing the full amount of the fine as described in subsection A above shall be stayed unless or until the SSG makes a determination not to issue the advance deposit hardship waiver.
- D. SSG may waive the requirement of an advance deposit set forth in Section 1.085 and issue the advance deposit hardship waiver only if the cited party submits a sworn affidavit, together with any supporting documents or materials demonstrating the person's actual financial inability to deposit with SSG the full amount of the fine in advance of the hearing.

Section 1.095 Administrative Citation

- A. Whenever an enforcement officer charged with the enforcement of any regulation determines that a violation has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible for the violation. In instances in which a Driver is cited for a violation, the Business may also be cited.
- B. Each administrative citation shall contain the following information:
 - 1. The date of the violation;

2. The address or a definite description of the location where the violation occurred;
3. The section of the regulation violated and a description of the violation;
4. The amount of the fine for the violation;
5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
6. An order prohibiting the continuation or repeated occurrence of the violation described in the administrative citation;
7. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and
8. The name and signature of the citing enforcement officer.

Section 1.200 Fines and Penalties

- A. The minimum fine for violation of Article I of this Chapter shall be one thousand dollars (\$1,000.00).
- B. The minimum fine for operating a Taxicab without a valid permit(s) to operate issued by SSG shall be five thousand dollars (\$5,000.00).
- C. The fine shall be paid to SSG within thirty (30) days from the date of the administrative citation.
- D. If the fine is challenged by an administrative hearing as set forth in Section 1.085 and the hearing officer determines that the administrative citation shall be upheld, then the fine amount on deposit with SSG shall be retained by SSG.
- E. If after a hearing under Section 1.085, the hearing officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the fine shall be due within thirty (30) days of the date of the decision of the hearing officer is deposited in the mail. Failure to pay the fine within such period shall result in the suspension of the Driver permit of the Driver until such time as payment is made.
- F. If after a hearing under Section 1.085 the hearing officer determines that the administrative citation should be canceled and the fine was deposited

with SSG, then SSG shall promptly refund the amount of the deposited fine, together with interest at the rate of five percent (5%) per annum for the period of time that the fine amount was held by SSG.

- G. Payment of a fine under this Chapter shall not excuse or discharge any continuation or repeated occurrence of the regulatory violation that is the subject of the administrative citation.

Section 1.205 Late Payment Charges

- A. Any person who fails to pay to SSG any fine imposed pursuant to the provisions of the ordinance of SSG on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines. In addition, the permit of the Driver involved may be suspended pending payment.

Section 1.210 Recovery of Administrative Citation Costs

- A. SSG may collect any past due administrative citation fine or late payment charge by use of all available legal means. SSG also may recover its collection costs, including any reasonable attorneys' fees.

Section 1.215 Airports

- A. Nothing in this Chapter shall prevent Palm Springs Regional Airport or any other publicly owned airport from regulation of taxicab access or from charging access/permit fees.

ARTICLE II
OPERATING REQUIREMENTS

Section 2.010 Taxicab Businesses Distinct Appearance

- A. All Taxicabs operating under a Taxicab Business permit shall be of distinctive appearance such as is in common usage in this country for Taxicabs and shall have a standard monogram, insignia, or logo which is permanently affixed to each vehicle and clearly indicates that the vehicle is offered for the use of transportation of passengers for hire.
- B. No Taxicab Business permit shall be granted to any Person and/or company whose name, monogram, logo or insignia to be used on its Taxicabs is in conflict with, or imitates, any monogram, name, logo or insignia used by another Taxicab Business within the Jurisdictional Boundaries of SSG in such a manner as to be misleading to, or which would tend to deceive or defraud the public.
- C. No Taxicab Business shall be entitled to utilize the name or telephone number of any previously operating Taxicab Business unless the assuming company has paid all fines, Business permit fees, vehicle permit fees, and administrative penalties due to SSG from the previous Taxicab Business and otherwise complied with the requirements for issuance of a Taxicab Business permit under the ordinance of SSG. In any case where an administrative or other form of proceeding is pending against the previous Taxicab Business, no transfer of the name shall occur unless and until SSG is provided with adequate monetary assurance of payment of any anticipated monetary penalty. Assurance may be in the form of a bond or undertaking.

Section 2.015 Advertisements

- A. No Taxicab Business, Driver or any other person shall place or cause to be placed any advertisement which:
 - 1. Is misleading to, or would tend to deceive or defraud the public;
 - 2. Uses a name(s) other than the name(s) registered with SSG for which a valid taxicab business permit has been issued without first obtaining written consent of SSG; or
 - 3. Uses a name, monogram, logo or insignia which is in conflict with or imitates any monogram, logo or insignia used by any other person operating in the Jurisdiction Boundaries of SSG.

Section 2.020 Driver Standards and Appearance

- A. All drivers shall have in his or her immediate possession a valid California driver's license and a Driver permit issued by SSG while in charge of or driving a Taxicab and shall present either upon request.
- B. All Drivers shall be at least 18 years old.
- C. All Drivers shall have the ability to read signs, labels, work schedules, rate cards, information cards, maps and simple instructions in English, to understand and follow verbal directions in English, to write simple instructions in English and to speak English sufficiently to communicate clearly with the public at large.
- D. No Driver shall be afflicted with either a physical or mental incapacity or ailment that would preclude him or her from safely operating a Taxicab and performing the duties normal to such profession.
- E. All Drivers shall be well groomed and dressed in a neat and clean fashion at all times while on duty. At a minimum, attire shall include a collared shirt or blouse covering the shoulders, knee length shorts or skirt or long pants and closed toe shoes. T-shirts, spaghetti or strapless shirts, open toe shoes, flip flops, sweatpants and sandals are prohibited. A Driver shall wear an identification badge at all times while on duty. At a minimum, the shirt, blouse or identification badge worn by the Driver must bear the Driver's name and Business logo.
- F. All Drivers shall provide prompt, efficient service and be courteous at all times to the general public, the business community, all other Taxicab Drivers and SSG or local government administrators/officers. Smoking and the use of profanity is prohibited. Disputes with the general public, the business community, other taxicab drivers and those in charge of taxicab stands on private property shall be resolved in a professional manner with a goal of maintaining a favorable public image for the taxicab industry.
- G. No Driver shall refuse to transport wheelchairs, packages, luggage and animals as follows:
 - 1. Any passenger's wheelchair, which can be folded and placed in either the passenger vehicle or trunk compartment of the Taxicab;
 - 2. Groceries or packages when accompanied by a passenger;
 - 3. Personal luggage, possessions or small pets in appropriate carriers.
 - 4. Any passenger's service animal or intentionally interfere with the use of service animal by harassing or obstructing the user of his or

her service animal as defined by the Americans with Disabilities Act (ADA).

- H. All Drivers shall assist a passenger in and out of a Taxicab when requested, provided the driver is not required to lift the passenger.
- I. All Drivers shall assist a passenger by placing luggage, packages and wheelchairs in and out of the taxicab when requested.
- J. No Driver shall refuse a dispatch call or other request for Taxicab service to transport any passengers who present themselves in a sober and orderly manner and for a lawful purpose.
- K. All Drivers shall be adequately rested, and shall not operate a Taxicab for more than ten (10) consecutive hours, nor for more than ten (10) hours spread over a total of fifteen (15) consecutive hours. Thereafter, no Driver shall drive a Taxicab until eight consecutive hours have elapsed.
- L. All Drivers shall not engage in conduct or verbally threaten to engage in conduct which is dangerous or violent such that the safety of the traveling public, SSG employees or agents, taxicab drivers or other persons, is implicated.
- M. All Drivers shall not engage in argumentative or discourteous conduct toward the public, a passenger, other taxicab drivers or other persons while on call to provide taxicab service or in the course of providing such service.
- N. All Drivers shall not have been convicted of any of the crimes within the timeframes as set forth in Section 1.080 of this Chapter, whether committed in the State of California or elsewhere. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
- O. In the event that a Driver is involved in a collision with another vehicle, a fixed object or a pedestrian, that results in injury and/or renders any vehicle inoperable, the Driver and/or the Permittee shall complete and submit to SSG a written SSG approved Collision/Injury Report within twenty four (24) hours of the incident.

Section 2.025 Special Events

- A. As a matter of public safety and efficiency, during certain designated events where there is expected to be heavy concentration of customers seeking taxicab service, no passenger appointments will be allowed for pick-ups from the event. The designated events to which this regulation applies include:

1. The Coachella Valley Music and Arts Festival;
2. The Stagecoach Festival; and,
3. Any other event for which Permittees are provided written notice no less than thirty (30) days before the event.

Section 2.030 Taxi Administrator

- A. The Taxi Administrator or his/her designee may adopt, by ordinance, operating requirements for Taxicab Businesses and Taxicab Drivers that do not relate to permitting or business licensing pursuant to Government Code Section 53075.51.

Section 2.035 Fines and Penalties

- A. The minimum fine for violation of Article II of this Chapter shall be one hundred dollars (\$100.00).